


THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY
ACT

14-41. Deferral of the CERCLA Section 120(h)(3)(A)(ii)(I) Covenant Requirements for Parcels of Real
Property at Federal Facilities Listed on the National Priorities List

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the National Defense Authorization Act of 1997, to defer under CERCLA Section 120(h)(3)(C)(i), with concurrence of the Governor or designee, the covenant requirement under CERCLA Section 120(h)(3)(A)(ii)(I) with respect to real property located at a federal facility that is listed on the National Priorities List after a determination the property is suitable for transfer. The finding of suitability to transfer must include the criteria set forth in Section 120(h)(3)(C)(i).
2. **TO WHOM DELEGATED.** Director, Superfund and Emergency Management Division.
3. **LIMITATIONS.** The director for SEMD must notify the assistant administrator or designee for Office of Land and Emergency Management prior to exercising this authority, at the time the federal agency requesting deferral provides notice of the proposed transfer as required by CERCLA Section 120(h)(3)(C)(i)(III).
4. **REDELEGATION AUTHORITY.**
 - a. This authority may not be redelegated.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Section 120 of CERCLA.
 - b. Community Environmental Response Facilitation Act (P.L. 102-426).
 - c. Section 332 of the National Defense Authorization Act of 1997.



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Acting Regional Administrator

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Date